United Nations A/71/261

General Assembly

Distr.: General
1 August 2016

Original: English

Seventy-first session
Item 65 (a) of the provisional agenda*
Promotion and protection of the rights of children

Sale of children, child prostitution and child pornography

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Special Rapporteur of the Human Rights Council on the sale of children, child prostitution and child pornography, Maud de Boer-Buquicchio, in accordance with Assembly resolution 70/137.

* A/71/150.

16-13240 (E) 150816

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Report of the Special Rapporteur of the Human Rights Council on the sale of children, child prostitution and child pornography

Summary

The present report is submitted pursuant to General Assembly resolution 70/137. The Special Rapporteur describes the activities undertaken in relation to the discharge of her mandate since her previous report to the Assembly (A/70/222).

She also provides a study containing an analysis of the sale of children for the purpose of forced labour and proposes comprehensive measures to combat this phenomenon.

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I. Introduction

1. In its resolution 70/137, the General Assembly requested the Special Rapporteur of the Human Rights Council on the sale of children, child prostitution and child pornography to continue to submit reports to the Assembly on the activities undertaken in the fulfilment of her mandate.

2. In the present report, the Special Rapporteur provides information on her activities undertaken from August 2015 to August 2016. The report also contains a study on the sale of children for the purpose of forced labour and proposes comprehensive measures to combat this phenomenon.

II. Activities of the Special Rapporteur

A. Country visits

3. The Special Rapporteur undertook an official visit to Japan from 19 to 26 October 2015 (see A/HRC/31/58/Add.1) and to Georgia from 11 to 18 April 2016. She also conducted a joint technical visit to Nigeria with the Special Rapporteurs of the Human Rights Council on contemporary forms of slavery, including its causes and consequences and on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health from 18 to 22 January 2016 (see A/HRC/32/32/Add.2).

4. The Governments of the Dominican Republic and of Bulgaria have accepted her request to conduct an official visit in the second half of 2016 and the first half of 2017, respectively. She calls on all Member States who have not yet replied to her requests to consider them positively.

B. Communications and press releases

5. The Special Rapporteur sent communications to several Member States over the reporting period. Those communications and the responses from the Governments concerned are publicly available in the joint communications reports of the special procedures submitted to the Human Rights Council.[1]

6. During the reporting period, the Special Rapporteur issued joint press releases on the abduction of children who risked being sold and on the plight of child victims of Boko Haram.

C. Other activities

7. As a follow-up to her thematic report on the issue of information and communication technologies and the sale and sexual exploitation of children submitted to the twenty-eighth session of the Human Rights Council (A/HRC/28/56), the Special Rapporteur has participated in various events to promote the implementation of her recommendations. On 30 September 2015, she attended an event hosted by the Secretary-General of the International

[1] See www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx.

Telecommunication Union (ITU) in the context of the tenth meeting of the ITU Council Working Group on Child Online Protection. On 16 and 17 November 2015, the Special Rapporteur spoke at the second #WePROTECT summit, held in the United Arab Emirates. She is currently a member of the International Advisory Board of the #WePROTECT Global Alliance initiative.

8. On 7 March 2016, the Special Rapporteur spoke at the annual full day meeting on the rights of the child, held during the thirty-first session of the Human Rights Council, which focused on the sexual exploitation of children online. On 2 May 2016, she co-organized with the International Telecommunication Union a workshop entitled "Child online protection: the road ahead, emerging trends and technologies", which took place in Geneva in the context of the World Summit on the Information Society Forum.

9. In follow-up to her visit to Nigeria and linked to her study on the care, recovery and reintegration of child victims of sale and sexual exploitation (A/70/222), the Special Rapporteur co-organized on 13 June 2016 a side event on the rehabilitation and reintegration of women and children victims of Boko Haram captivity during the thirty-second session of the Human Rights Council in Geneva.

10. In her annual report to the Human Rights Council, submitted at its thirty-first session (A/HRC/31/58), the Special Rapporteur focused her research on tackling the demand for the sexual exploitation of children. In that context, on 7 March 2016, the Special Rapporteur organized an event on the demand factor, which brought together several experts from different sectors.

11. On 23 November 2015, the Special Rapporteur took part in a high-level symposium on national and intercountry adoption in Monaco. On 27 and 28 January 2016, she participated in the final meeting in Luxembourg of the Interagency Working Group on Sexual Exploitation of Children during which the terminology guidelines for the protection of children from sexual exploitation and sexual abuse were adopted. She also spoke at the launch of the guidelines in Geneva, on 14 June 2016.[2]

12. On 5 and 6 April 2016, the Special Rapporteur was a speaker at the high-level launch conference of the Council of Europe Strategy for the Rights of the Child, held in Sofia. On 21 June, the Special Rapporteur spoke at the Parliamentary Assembly of the Council of Europe during a debate on the over-sexualization of children, in Strasbourg, France.

13. On 24 May 2016, the Special Rapporteur was a speaker at an event in The Hague marking the fiftieth anniversary of Terre des Hommes Netherlands. On 12 July 2016, she made an intervention at the official launch of the Global Partnership to End Violence against Children.

14. On 7 June 2016 in Geneva, the Special Rapporteur, with the support of Plan International, launched a publication on the twenty-fifth anniversary of the mandate and child-friendly material on the work of the mandate.[3]

[2] See www.luxembourgguidelines.org.

[3] See www.ohchr.org/EN/Issues/Children/Pages/ChildrenIndex.aspx.

III. Study on the sale of children for the purpose of forced labour

A. Introduction

15. The mandate of the Special Rapporteur on the sale of children, child prostitution and child pornography was created, inter alia, to "consider matters relating to the sale of children".[4] However, since its inception, the work of the mandate has mainly focused on the sexual exploitation of children. Similarly, the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography has thus far mainly been addressed from the angle of the sexual exploitation of children. The objective of the present thematic study is to address that gap, with the ultimate goal of bringing conceptual clarity, in order to better protect child victims and prevent the sale of children for the purpose of forced labour.

16. The study concentrates solely on the sale of children for the purpose of forced labour. However, all situations in which children are engaged in harmful work call for responses and accountability measures based on criminal law and policy interventions. Although it can involve situations of forced labour, the sale of children for the purpose of sexual exploitation is beyond the scope of the present study and has therefore been excluded.

17. The methodology of the study consisted of a comprehensive desk review of recent studies, academic research, policy documents and legislation. It also benefited from contributions by international experts and relevant international organizations.[5] Most of the literature concentrates on various forms of exploitation that are similar to, yet slightly different from, the focus of the study. Consequently, identifying situations where children have been sold for the purpose of forced labour has required examining a set of elements and inferring that criteria to characterize the situation as such have been met.

B. Concept and terminology

18. Conceptual clarity in relation to the sale of children for the purpose of forced labour presents particular challenges. The resolutions creating and renewing the mandate and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography do not provide a definition of the crime. While many concepts, such as the worst forms of child labour, child trafficking and slavery and slavery-like practices, may encompass similar realities, they also feature significant differences. It is therefore essential to define adequately the sale of children for the purpose of forced labour, in order to avoid legal loopholes and protection gaps, and ensure the design and implementation of strategies that address the specific root causes, factors of vulnerability, mechanisms and manifestations of the sale of children for the purpose

[4] Commission on Human Rights resolution 1990/68.

[5] The Special Rapporteur would like to thank experts from the United Nations Children's Fund (UNICEF), the International Labour Organization (ILO) and Mike Dottridge for providing their expertise.

of forced labour. The ultimate goal is to ensure that the rights violated are fully justiciable and that victims can find effective remedy and redress.

19. The sale of children for the purpose of forced labour must be understood in the context of the international legal framework on child labour and its worst forms. That framework includes article 32 of the Convention on the Rights of the Child, which prohibits any work that could impair the child's development, and article 35, which forbids the sale of children for any purpose or in any form. That article was introduced as a separate provision from sale for the purpose of sexual exploitation mentioned in article 34, in recognition that children are subjected to sale and trafficking for many reasons.[6] The international framework also includes the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

20. The international framework also comprises International Labour Organization (ILO) Convention No. 138 of 1973 on the Minimum Age for Admission to Employment, which sets the minimum age for admission to employment at 15 (article 2.3), with the option of setting it at 14 as a transitional measure (article 2.4). Light work may be allowed for children aged 13 to 15 (article 7.1) or 12 to 14 for States having used the transitional measure (article 7.4). Child labour can be defined as work which is harmful and interferes with schooling.[7] Relevant standards also comprise ILO Conventions No. 182 of 1999 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which requires States parties to "take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency" (article 1), and No. 29 of 1930 on Forced or Compulsory Labour.

21. According to article 2 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, "sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration". That definition includes any benefit, financial or of another nature that can be obtained in the transaction. Article 3, paragraph 1 (a) (i) c., of the Optional Protocol obliges States parties to criminalize the action of "offering, delivering or accepting, by whatever means, a child for the purpose of engagement of the child in forced labour." The sale of children therefore implies at least two parties, one that offers or delivers the child and one that accepts the child.[8] Consent, or any form of agency on the part of the child, is considered irrelevant.

22. Similar yet different notions addressed in international instruments are 'forced labour", "worst forms of child labour", "slavery" and "slavery-like practices" and "trafficking in children". According to article 3 of ILO Convention No. 182 on the Worst Forms of Child Labour, the sale of children and forced labour both constitute the worst forms of child labour and forms of slavery or practices similar to slavery.

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[6] Office of the United Nations High Commissioner for Human Rights (OHCHR), "Legislative history of the Convention on the Rights of the Child" (Geneva, 2007); United Nations Children's Fund (UNICEF), "Implementation handbook for the Convention on the Rights of the Child" (Geneva, 2002).

[7] See www.ilo.org/ipec/facts/lang--en/index.htm.

[8] ECPAT, *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse* (Bangkok, 2016).

23. The crime of trafficking in children has a number of similarities with the sale of children for the purpose of forced labour. In accordance with article 3 (a) of the Palermo Protocol, child trafficking is the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation. As a general rule, the key characteristic of trafficking is the transfer of the child for the purpose of exploitation, which may or may not involve sale.[9] Sale does not necessarily imply transportation, but does involve a transfer of control or authority, leading to an overlap with trafficking. Yet some forms of sale of children for the purpose of forced labour do not amount to trafficking, even if the effects may be similar.[10] In sum, both crimes may cover similar realities, for instance, children may be trafficked without financial transactions and may be victims of sale for the purpose of forced labour without the characteristics of trafficking. In both cases demonstrating the intent suffices to identify the crime.[11]

24. Following an analysis of relevant concepts, it can be inferred that the crime of the sale of children for the purpose of forced labour includes the following elements:

(a) The act of selling the child that materializes with a form of transaction in which the person(s) offering the child obtain(s) a gain (remuneration or any other consideration) and the person(s) receiving the child expect(s) some benefit through exploitation of the child;

(b) Through the sale, the person receiving the child holds control over the child and the child loses his or her freedom and the possibility of leaving the situation. Consent, of the child or of his or her parent(s) or legal guardian, is irrelevant. The impossibility of leaving the situation may be the result of coercion. The threat may affect the child him or herself, or a third party. Forms of coercion concerning children can be much lighter than those considered for adults and can sometimes be simply the result of dependency, given children's limited agency, greater vulnerability to being influenced and sensitivity to threats;

(c) A definition of forced labour from a child rights perspective takes into consideration children's specific vulnerability. Working and living conditions may be particularly harmful to children's development, especially when separated from their family environment;

(d) The intent of engaging the child in forced labour is sufficient for the offence to be identified as such, even if the exploitation has not actually occurred.

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[9] UNICEF Innocenti Research Centre, "Handbook on the Optional Protocol on the sale of children, child prostitution and child pornography" (Florence, 2009).

[10] For example, situations of debt bondage where the child remains in the family home, the sale of a child for domestic work, or servile marriage following a transaction with the child's family, may not involve trafficking. Similarly, children sold for forced begging or to perform illicit acts may not move from one place to another and may be coerced into such activities while living in their homes and usual environment.

[11] United Nations Office on Drugs and Crime (UNODC), "The concept of 'exploitation' in the trafficking in persons Protocol", issue paper (Vienna, 2015).

C. Scope of the phenomenon and its manifestations

25. The sale of children for the purpose of forced labour gives rise to a diverse set of realities for child victims. The hidden nature of the phenomenon, the fact that many concepts overlap with its definition and that it is not clearly defined in national legislation, and the lack of a specific focus on the crime by law enforcement means that there are no reliable estimates of the number of child victims of sale for the purpose of forced labour. However, proxy indicators suggest that the phenomenon is widespread and no country is immune.

1. Review of available data

26. The sale of children for the purpose of forced labour does not constitute a specific category for which data is collected at the global level. However, an examination of the data available for similar situations makes it possible to draw a picture of the extent of the phenomenon and major trends.

27. The overwhelming majority of forced labour consists of labour exploitation. The latest global estimate concludes that a total of 20.9 million persons are victims of forced labour, of which 5.5 million (26 per cent), are children. Women and girls represent the greater share of the total: 11.4 million (55 per cent).[12]

28. A review of global estimates of trafficking in human beings[13] makes it possible to highlight a number of common features characterizing the sale of children for the purpose of forced labour. First, the share of children trafficked for the purpose of forced labour is increasing and the share of children involved in forced labour is particularly high. Second, while in Europe and Central Asia children may be sold for the purpose of forced begging and petty crime, in the rest of Asia and in the Americas a high proportion of child victims may be sold for economic exploitation. Lastly, there are significant regional disparities and a lack of common definitions affects the reliability of estimates, most likely leading to underestimates.

2. Main forms of the sale of children for the purpose of forced labour

29. Children are sold and compelled to engage in forced labour in a wide variety of sectors and occupations. While some situations can immediately be identified as falling under the category of the sale of children for the purpose of forced labour, other situations amount to the same crime but may not readily be identified as such.

Domestic work

30. The sale of children for the purpose of forced labour in domestic work is a widespread phenomenon. Domestic work can amount to a form of forced labour, depending on the nature of the employment relationship, which can make children heavily dependent on their employer. That type of employment relationship leads to ambiguous informal arrangements and a lack of clear contractual conditions, which paves the way for dependency, abuse and harmful working conditions.[14] Among

[12] ILO, "Global estimate of forced labour: results and methodology" (Geneva, 2012).

[13] UNODC, "Global report on trafficking in persons, 2014" (Vienna, 2014).

[14] ILO, "Ending child labour in domestic work and protecting young workers from abusive working conditions" (Geneva, 2013).

child domestic workers, live-in workers are the most exploited.[15] Over 17 million children are engaged in domestic work, of which almost two thirds are estimated to be in child labour, either because they are below the legal minimum working age or working in conditions which represent the worst forms of child labour.[16] Most of them are girls.

31. While data remains scarce, ILO has concluded that there are significant numbers of children in debt bondage, child victims of trafficking and children in situations of servitude.[14] The ILO Committee of Experts on the Application of Conventions and Recommendations has defined numerous situations of domestic work as amounting to child labour and, in several instances, forced labour.[17] Children can be forced into domestic work under the guise of adoption, in conditions similar to bonded labour.[14] Children may also be sold for the purpose of forced domestic work because their families are in bonded labour.[15] A UNICEF study has highlighted the multiple ways in which children are recruited for domestic work. In some cases, intermediaries earn money from the child's placement and/or by taking a significant share of children's wages.[18]

32. When children have been sold or are in domestic work as a result of debt bondage, the possibility of leaving the employment relationship is further reduced to nothing.[15]

Servile marriage

33. Child marriage may amount to the sale of children for the purpose of forced labour when the marriage agreement includes a transaction in the form of financial payment or in-kind benefits. In such transactions, children are treated as commodities and exchanged for goods or money, or to settle debts or disputes. A study has highlighted the dynamics that lead children to be sold for the purpose of forced labour under the cover of marriage.[19]

Agriculture

34. ILO estimates that agriculture is the sector employing the largest share of working children, nearly 60 per cent or 98 million children.[14] Children may end up in forced labour in agriculture as a result of debt bondage, or because an intermediary has lured them or their parents into farm work by promising good working conditions and then selling the children to farmers. The phenomenon is present across the regions, in different forms depending on the country.

35. Lack of a protective environment in production countries, combined with high levels of demand in high-income countries, provides fertile ground for labour exploitation. A study on the situation of children in cocoa farms has highlighted how

[15] Anti-Slavery International, "Home truths: wellbeing and vulnerabilities of child domestic workers" (London, 2013).

[16] ILO, "Marking progress against child labour. Global estimates and trends 2000-2012" (Geneva, 2013).

[17] Lee Swepston, "Forced and compulsory labour in international human rights law", ILO working paper (Geneva, 2014).

[18] Dorte Thorsen, "Child domestic workers: evidence from West and Central Africa", UNICEF (April 2012).

[19] Catherine Turner, "Out of the shadows. Child marriage and slavery", Anti-Slavery International (London, April 2013).

their families and children themselves are lured by intermediaries into following them to find work, only to be engaged in forced labour without the possibility of leaving.[20] The fishing industry has also involved a number of children in forced labour, as a result of various forms of sale, including bonded labour.[21]

36. An ILO study on forced labour in agriculture found that a high proportion of children involved in forced labour had to work to repay debts taken on by their families in lieu of child work, had to work until a family debt was paid off or were born into bondage. Children were recruited by their parents, relatives or recruiting agents, implying that in many instances a transaction had taken place.[22]

Manufacturing

37. The sale of children for the purpose of forced labour also happens in the industrial sector, for the production of goods which are sold in domestic and global markets.

38. The carpet-weaving industry is a case in point, which has been extensively documented in South Asia. As employers pay very low or no wages, workers, including children, are compelled to contract debts to survive, which in turn forces them to remain in forced labour/debt bondage. Strategies have also been identified in which the head of the household is offered a loan and the conditions for repayment imply putting the entire family to work in debt bondage for years.[23]

39. Reports on the garment industry have also demonstrated the extensive use of forced labour involving children in factories, amounting to slavery-like practices. Child labour is facilitated by the close relationship between employers and parents, who often come from the same village. A system of work in spinning mills was found to involve young women and girls, who are only paid at the end of their three-year contract. They do not get paid if they leave, a situation amounting to forced labour and debt bondage.[23] Products made from such labour feed the global retail market, driven by multinational companies in search of lower prices to respond to consumer demand.

Forced begging

40. ILO has defined begging as "a range of activities whereby an individual asks a stranger for money on the basis of being poor or needing charitable donations for health or religious reasons. Beggars may also sell small items, such as dusters or flowers, in return for money that may have little to do with the value of the item for sale".[24] Exploiting children through begging is a form of forced labour for which a child's consent cannot be considered valid, and could amount to a practice similar to slavery. Research has documented cases in which a child has been sold or trafficked

[20] Paul Robson, "Ending child trafficking in West Africa. Lessons from the Ivorian cocoa sector", Anti-Slavery International (London, December 2010).

[21] ILO, "Analytical study on child labour in Volta Lake fishing in Ghana" (August 2013).

[22] ILO country office for Nepal, "Forced labour of adults and children in the agriculture sector of Nepal" (2013).

[23] Anti-Slavery International, "Slavery on the High Street. Forced labour in the manufacture of garments for international brands" (London, June 2012).

[24] ILO, "A rapid assessment of bonded labour in domestic work and begging in Pakistan" (Geneva, March 2004).

for the purposes of forced begging or is in debt bondage.[25] Children in a street situation are particularly vulnerable to the practice, given their lack of a protective environment.

41. The European Police Office (Europol) has found that many children are sold and trafficked for the purpose of forced begging. Children may be sold by their families, or pregnant women may be recruited and forced to sell their babies. Children have been sold for up to 40,000 euros.[26] According to a comparative study on forced child begging, criminal networks have developed strategies in which they push poor families into debt and then claim the children as a way to pay back those debts. The study found reports of criminal gangs controlling child beggars and practices in which small children were being "rented out" for the purpose of begging.[27]

Forced criminal activities

42. Criminal activities are among the services children may be forced to undertake and are considered a form of forced labour. ECPAT UK has highlighted the situation of children engaged in forced labour in cannabis production in the United Kingdom of Great Britain and Northern Ireland, who have been trafficked from other countries. The children are forced by organized criminal groups to work in cannabis factories under hazardous conditions and with no possibility of leaving. Criminal groups use debt bondage and threats of reprisals against the children and their families to prevent them from escaping.[28]

43. Criminal activities may be associated with forced begging when the same organized criminal group exploits children for both activities. Europol has found that children are often forced to commit various types of robbery and theft. Criminal groups ensure obedience through threats, use of force, deprivation and psychological manipulation and may take away their documents.[26]

Sport

44. The sale of child athletes for competitive training and ultimately profit amounts to a form of sale of children for the purpose of forced labour. It generally features an imbalance of power, in which financial power is used to draw children and their families who are in economic hardship into unfair practices over which they have no control. Recruiters may then treat child athletes as commodities with no rights, whose "value" depends on their capacity to work and from which they expect to make a rapid profit.[29]

45. Children are often transferred from one country to another and find themselves in an unknown setting, with an uncertain legal status, which binds them to their employer. They may be traded from club to club and forced to train intensively,

[25] European Commission, "Report for the study on typology and policy responses to child begging in the EU" (2012).

[26] Europol, "Child trafficking for exploitation in forced criminal activities and forced begging" (The Hague, October 2014).

[27] Emily Delap, "Begging for change. Research findings and recommendations on forced child begging in Albania/Greece, India and Senegal", Anti-Slavery International (London, 2009).

[28] ECPAT UK, "Safeguarding children trafficked to the UK to work in cannabis factories" (2011).

[29] Paulo David, *Human Rights in Youth Sport* (Abingdon, Oxon, Routledge, 2005).

under the threat of finding themselves undocumented, having their dreams crushed and with no resources.[30]

46. In the United States of America, reports have emerged of children being recruited in developing countries and sold to play in basketball teams. They provide accounts of the system behind such recruitment, involving coaches, recruitment agencies and high-level financial transactions, with some children being kept in poor living conditions, ending up in very difficult situations if they do not succeed in securing placement in a team and having to pay huge fees to their coaches.

Armed conflict

47. In situations of armed conflict, children are particularly vulnerable to being sold for the purpose of forced labour. As armed conflicts increasingly focus on control over resources, parties have used children in various forms of child labour, including in mines, in addition to recruitment for military purposes.[31]

48. Various recent and ongoing events have shed light on the relevance of the issue in current conflicts. After the kidnapping of over 200 schoolgirls in Chibok, Nigeria, in 2014 by Boko Haram, the armed group announced it would "sell" them.

49. A report by the Independent International Commission of Inquiry on the Syrian Arab Republic describes how Yazidi women and girls were sold by Islamic State in Iraq and the Levant (ISIL) in slave markets, through auctions and sometimes as groups to be resold individually. In the last year, ISIL fighters have started to hold online slave auctions with pictures and personal details of captured women and girls. The fighters, and sometimes their wives, regularly engage Yazidi women and girls in forced domestic labour, in addition to inflicting systematic sexual violence. Yazidi men and boys over the age of puberty are also engaged in forced labour by ISIL in tasks including construction work, digging trenches and looking after cattle (see A/HRC/32/CRP.2).

D. Factors contributing to the phenomenon

50. Multiple factors increase children's vulnerability to being sold for the purpose of forced labour. Some determinants are linked to the condition of the child and his or her family, others stem from the demand for various forms of forced labour and yet others have to do with the overall environment in which the phenomenon takes place.

1. Push factors

51. Socioeconomic factors are prominent determinants of the sale of children for the purpose of forced labour. Studies on child labour in domestic work have highlighted how poverty is a constant variable underlying the practice, sometimes to repay family debts.[14] Targeting poor families has been found to be part of a

[30] UNICEF Innocenti Research Centre, "Protecting children from violence in sport: a review with a focus on industrialized countries" (Florence, 2010).

[31] UNICEF, "Machel Study 10-year strategic review. Children and conflict in a changing world" (New York, 2009) and Free the Slaves, "Congo's mining slaves. Enslavement at South Kivu mining sites" (Washington, D.C., 2013).

deliberate strategy by recruiters, especially in cases where the sale of children for the purpose of forced labour involves organized criminal groups or intermediaries.[23]

52. Families living in poverty may be confronted by events affecting the family's income, such as the loss of a job, an economic crisis or a natural disaster affecting production, or the illness or death of the family's breadwinner. The impact of such shocks may drive families into survival strategies, resorting to debt or delivering children for the purpose of labour or other forms of exploitation. Children from families with only one or no living parent have been found to be particularly vulnerable to being exploited for domestic work or fishing.[14, 21]

53. There is evidence from research that the literacy level of a child's parents or caregivers, and in particular that of the head of the household, is a determinant of vulnerability to child labour. The literacy level has been found to be lower for children in forced labour than for those not in forced labour.[32]

54. Discrimination on the basis of age, gender and ethnicity and caste also increases the vulnerability of children to being sold for the purpose of forced labour. With limited exceptions, forced labour victims are much younger than those freely employed.[33] Gender primarily affects the type of exploitation to which children are vulnerable. The sale of children for forced labour in domestic work or for servile marriage mainly affects girls. They respond to common perceptions that girls will be safe and protected and, in the case of domestic work, prepared for married life.[14] Other forms of forced labour, such as forced begging, chiefly involve boys.[28]

55. Children are more vulnerable to exploitation through begging when they come from poor families and belong to groups particularly affected by social exclusion and discrimination, such as the Roma.[26] Ethnicity has also been found to be a factor in the vulnerability of children to being engaged in exploitative forms of domestic work.[14] The Special Rapporteur on minority issues has stressed how caste systems perpetuate discrimination and forced labour and slavery-like practices (A/HRC/31/56).

56. Various studies have highlighted the impact of migration on children's vulnerability to being sold and trafficked. A UNICEF publication refers to unaccompanied children having to pay smugglers to be able to continue their journey, a situation that makes them particularly vulnerable to being indebted to smugglers and sold for various forms of exploitation.[34] Migration by carers may also make children vulnerable to being sold for the purpose of forced labour.[21] The large number of children left behind by parents migrating to sustain the family may also constitute a factor of vulnerability.

2. Demand

57. Demand is an important factor behind the sale of children for the purpose of forced labour. It encompasses the individual offenders who offer and receive the child, expecting some benefit through his or her exploitation; intermediaries who service the demand; and the constructs that create an environment in which the sale of children for the purpose of forced labour is either ignored, tolerated or accepted (see A/HRC/31/58).

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[32] ILO, *Profits and Poverty: The Economics of Forced Labour* (Geneva, 2014).
[33] Ibid.
[34] UNICEF briefing note, "Protecting children on the move" (November 2015).

58. The immediate level of demand covers those who directly exploit children through transactions for the purpose of forced labour. They turn to intermediaries or traffickers to find and recruit victims.

59. The intermediate level of demand is composed of those who act as facilitators between children and those who exploit them, hence the intermediaries whose involvement is motivated by gain. They may receive the child from families who entrust them to take care of him or her, pay families to receive the child, or be paid by families. They then sell the child to employers for forced labour. The role of intermediaries has received increased attention in recent years as a determining factor in the recruitment of workers in exploitative conditions.

60. Inadequate monitoring and regulation of the activities of intermediaries can easily result in abusive practices. Intermediaries may use deceptive methods to lure families into releasing a child, or attract children into situations amounting to forced labour. The high fees required for the service is likely to put children and families in situations of debt bondage. Intermediaries may manage the full placement process, taking care of all necessary documents, which are then confiscated, preventing victims from leaving. Intermediaries may be directly linked with criminal networks aiming to exploit workers. Lack of work contracts and dependency on the recruiter for documentation and debt repayment paves the way for forced labour. In most cases, recruiters are aware of the forced labour conditions in which children end up and use deception to recruit them.[35]

61. Final demand from consumers paves the way for complex and globalized supply chains, which are driven by competition for price and lack adequate monitoring and transparency mechanisms to ensure fair working practices at the bottom of the chain. As highlighted by the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, "the lower levels have been shown to be at risk of products or raw materials being sourced from home-based or small workshops in the informal economy and made in situations of debt bondage, forced labour or the worst forms of child labour" (A/HRC/30/35). The flexibility of supply chains, which enables major companies to quickly move production from one area to another, may also affect the economic balance in specific areas, creating a shock that families may cope with by resorting to the sale of children for forced labour.[36]

62. The phenomenon of "voluntourism" deserves particular attention: this is "a term used to describe short-term volunteering placement by tourists as part of their overall vacation or travel in a country".[37] "Orphanage voluntourism" is one such practice, which has fed a system leading to the sale of children for the purpose of labour exploitation. Research has provided evidence of systems in which the owners of orphanages use intermediaries to get children who look poor to orphanages, in order to satisfy a fee-based volunteering demand, generating significant profits. Traffickers lure poverty-stricken families into giving away their children, under promises of good living conditions and education. Children are then often left in

[35] UNODC, "The role of recruitment fees and abusive and fraudulent practices of recruitment agencies in trafficking in persons" (Vienna 2015).

[36] ILO, "Decent work in global supply chains", report to the 105th session of the International Labour Conference (2016).

[37] Next Generation Nepal, "The paradox of orphanage volunteering. Combating child trafficking through ethical voluntourism" (2014).

poor conditions, in order to prompt foreign charity, and forced to perform activities to please foreign volunteers.[38]

63. The underlying level of demand is related to the social, cultural, gender and institutional constructs that foster the conditions in which the sale of children for the purpose of forced labour is socially accepted, thus facilitating the crime. Social acceptability of domestic work has been found to determine not only the extent of the use of children in such activities, but also the way the children are treated.[15]

3. Governance factors

64. Weak governance systems create a rule of law vacuum in which the sale of children and forced labour can prosper. However, even in countries with solid governance structures, hidden forms of exploitation may be difficult to detect. Corruption has been identified as a major factor facilitating trafficking in persons.[39] Limited effective labour inspection has also been identified as a factor easing the use of forced labour.

65. During conflict, armed groups destroy the social and economic environment and interrupt the delivery of social services, dismantling a protective environment for children and driving the population into dire poverty.[40] Families may entrust their children to intermediaries who then exploit them for various purposes. The long-lasting effects of institutional breakdown enable trafficking to flourish and lead to its persistence after a conflict has ended (see A/HRC/32/41).

E. Impact on the rights of the child

66. The sale of children for the purpose of forced labour violates multiple rights of the child, increasing children's vulnerabilities and impairing their development to the fullest potential.

Right to protection from violence, abuse and exploitation

67. Due to the control their employers exercise over them, children sold for the purpose of forced labour are particularly vulnerable to violence and abuse. For example, child labour in domestic work makes children vulnerable to sexual violence and abuse, as well as beatings and degrading treatment.[15] Children, in particular girls, involved in forced labour in manufacturing, such as the garment industry, are often victims of sexual violence.[24] In armed conflict, systematic sexual violence and enslavement is often a daily reality for girls (see A/HRC/32/CRP.2).

Right to development

68. Children's right to development to their fullest potential is also seriously affected. Children engaged in forced labour do not have access to an adequate standard of living, including appropriate shelter, food, water and sanitation. Those

[38] Bread for the World — Protestant Development Service, Working Group Tourism and Development and ECPAT Germany, "From volunteering to voluntourism. Challenges for the responsible development of a growing travel trend" (Berlin, March 2015).

[39] UNODC, "The role of corruption in trafficking in persons" (Vienna, 2011).

[40] UNICEF, "Machel Study 10-year strategic review. Children and conflict in a changing world" (New York, 2009).

that are sold for the purpose of forced labour are frequently out of school or have no access to education. As a result, they lack access to the skills needed for their development and life options, and are deprived of opportunities to know their rights and develop the competencies to protect themselves from abusive situations.

69. Children's right to health is also often breached. Forced labour activities are often harmful to the child's physical health, as they involve physical activities or positions that negatively affect their physical development. In some instances, children may be drugged for forced begging.[26] Mental health and self-confidence can also be affected, in light of the numerous vexations and degrading treatments to which children are subjected. Employers may also seriously limit access to health services.

Right to a family environment

70. Children sold for the purpose of forced labour are routinely separated from their parents and families and have little or no opportunity to interact with them. Isolation from the family environment affects children's emotional and intellectual development and well-being. It also undermines children's protective environment and makes them more vulnerable to other violations. However, in many cases parents are engaged in the transaction in which the child is sold for the purpose of forced labour.

Right to be heard

71. In situations of the sale of children for the purpose of forced labour, children's right to be heard is seriously undermined, since they are treated as commodities and left with no possibility to choose or influence their lives. Younger children are particularly vulnerable and making them unable to express their concerns is often a strategy used by traffickers to keep control over them.[20]

72. Children's civil and political rights, including the right to information, freedom of expression and freedom of association, are also breached when a child is sold for the purpose of forced labour. The inability to form an association with other children in similar conditions to claim their rights makes children even more vulnerable. Lack of information on existing laws and possible remedies is another factor of vulnerability which impedes redress for child victims.

F. Comprehensive strategies to prevent and eliminate the phenomenon

73. Combating the crime of sale of children for the purpose of forced labour requires multidimensional interventions at all levels to address the systemic aspects lying behind the phenomenon and its multiple manifestations. The child rights framework, set by the Convention on the Rights of the Child and other relevant international instruments, offers a basis for the design and implementation of such interventions. In particular, approaches need to take into consideration children's evolving capacities to make decisions about their lives and the possibility to contribute by working, while respecting international standards related to minimum working ages.

1. A clear legal framework

74. Article 3 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography requires States parties to criminalize the sale of children for the purpose of forced labour in their legislation, including when committed by legal persons (for example, companies). Overlap with other similar yet different crimes (such as trafficking) means that legislation is likely to criminalize acts relating to slightly different situations, while overlooking the specificities of the crime of the sale of children for the purpose of forced labour, which results in impunity. Moreover, the limited implementation of legislation, in particular the difficulty of providing sufficient evidence to prove the offence in court, may lead to few convictions and low penalties for perpetrators.[41] A clear legal framework should also guide a solid data collection system based on primary quantitative and qualitative research into the phenomenon.

2. Protecting the rights of victims, including effective remedy

75. The rights of child victims of sale for the purpose of forced labour to care, recovery and reintegration are recognized in article 39 of the Convention on the Rights of the Child and article 9.3 of its Optional Protocol on the sale of children, child prostitution and child pornography. However, in many instances, child victims may be treated as perpetrators, or may not be sufficiently recognized as victims in legislation in order to benefit from targeted measures. For example, children engaged in forced begging may be perceived as committing an offence rather than referred to support services. Similarly, children forced to engage in criminal activities may be considered as criminals instead of victims.[25]

76. Identification of victims is a critical first step towards ensuring the application of a protective framework. However, child victims receive limited attention and are rarely identified as such.[42] The justice system uses criminal approaches instead of referring child victims to child protection systems. Limited capacities and lack of placement options are cited as underlying reasons, as well as the prejudices of some actors vis-à-vis child victims.[43]

77. Access to an effective remedy is particularly important for preventing the phenomenon. Children who have been sold and are engaged in forced labour are often isolated, with no access to remedy. The vulnerability that is specific to the relationship of dependency with the employer presents specific challenges, in addition to the need for child-sensitive access to justice and redress mechanisms. Such children may distrust the police, fear retaliation and lack the documentation for legally staying in the country concerned.

78. Independent human rights institutions across the regions have focused on child labour as one of their priorities, thereby exercising their monitoring function over the topic.[44] Their role in that respect must be strengthened, in particular through effective legal means to visit places where children are at risk of exploitation,

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[41] European Commission, "Study on case-law relating to trafficking in human beings for labour exploitation" (Brussels, 2015).

[42] Olivier Peyroux, *Fantasies and Realities Fuelling Child Trafficking in Europe* (Lambert Academic Publishing, 2016).

[43] Ibid.

[44] UNICEF Office of Research Innocenti, "Championing children's rights. A global study of independent human rights institutions for children" (Florence, October 2012).

adequate capacities, including financial and human resources, and a strong presence across the country.[45]

79. However, ensuring effective remedy for rights violations involving the private sector requires adequate laws and policies. The Office of the United Nations High Commissioner for Human Rights has issued guidance on improving accountability and access to remedy for victims of business-related human rights abuse. It underlines the role of solid legal frameworks, which make it possible to hold companies criminally accountable for their actions, including when committed by third parties but with their contribution, through adequate procedures and deterring sanctions, effective enforcement mechanisms, coherent policy packages and support for victims in accessing remedies (see A/HRC/32/19).

3. Regulation of intermediaries

80. Awareness of the important role of intermediaries has given rise to various initiatives to try and regulate their practices. Social partners for the temporary agency sector signed a memorandum of understanding in 2008 to avoid the negative effects of competition in the labour market on workers' rights and conditions. In 2015, the International Confederation of Private Employment Services adopted a new code of conduct for its members, which reiterates the prohibition on charging fees to jobseekers and provides for a complaint mechanism if a member breaks the rule. While those are positive steps, codes of conduct are not legally binding.

81. Increased attention has also been paid to the need for due diligence, a process whereby private companies are called upon to ensure respect for human rights standards and to set up adequate mechanisms to that end. The European Commission has devoted specific attention to the situation of employment and recruitment agencies in that context, issuing a guidebook inviting such agencies to consider the impact of their practices on human rights, including in countries with weak legal and institutional frameworks.[46]

82. All stakeholders must take into account the informal nature of most intermediaries and the wide range of services they perform, in order to adopt adequate policies to promote and monitor fair recruitment processes for decent work conditions and deter intermediaries from delivering and/or selling children for exploitation.

83. Some countries have taken steps to enhance transparency and prohibit the sale of products that have involved the use of child labour or forced labour, in order to prevent the crime. Legislation in the United States prohibits importation of goods produced by forced child labour.[47] An executive order of 1999 ensures that federal agencies in the United States do not procure goods made by forced or indentured child labour.[48] In addition, the Department of Labor must publish a list of products

[45] See for example, Ombudsperson for Children Acts of 2003 of Croatia and of Mauritius.

[46] European Commission, "Employment and Recruitment Agencies Sector Guide on Implementing the UN Guiding Principles on Business and Human Rights" (Brussels, 2012).

[47] United States of America, Tariff Act, *Harmonized Tariff Schedule of the United States*, chap. 4, sect. 1202 (1930) and Trade Facilitation and Trade Enforcement Act of 2015, Public Law No. 114-125, sects. 101-118.

[48] United States, Executive Order 13126 (Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor), 64 Fed. Reg. 32383 (16 June 1999).

believed to have been produced by forced or indentured child labour.[49] If it is found that forced or indentured labour was involved, the contract will be terminated and eligibility as a supplier suspended for three years.[45]

84. The United Kingdom Modern Slavery Act of 2015 introduced an obligation for companies whose total turnover is above £36 million to submit an annual statement detailing the steps they have taken to ensure there is no modern slavery in their business and supply chains. The obligation goes beyond guaranteeing that products are free of slavery and requires concrete steps at every stage of the production process in any part of the supply chain.[50]

4. Labour inspection

85. Effective and well-resourced labour inspection is an essential institutional component of a preventive and protective environment. As highlighted in the ILO handbook for labour inspectors in relation to forced labour and human trafficking, forced labour is part of the seriously exploitative situations that labour inspectors are meant to monitor. Inspections of the health and safety of workers can provide indications that forced labour is taking place and that underage children are at work. Labour inspectors can enter private premises in carrying out their mandate without a search warrant and have a range of discretionary powers.[51] ILO has also issued a booklet detailing 11 forced labour indicators aimed at front-line law enforcement officials, labour inspectors, non-governmental organizations and other relevant stakeholders. The publication aims to help them quickly detect forced labour situations, even if not specifically focused on children.[52]

86. There have been initiatives aimed at filling the inspection gap by offering a social label on the production of goods. For instance, the GoodWeave certification ensures that rugs are made without child labour, forced labour or bonded labour.[53] By joining the programme, rug exporters and importers issue an assurance that no child labour was used in the making of a rug and accept unannounced visits by GoodWeave inspectors.[54]

5. Public-private partnerships

87. International standards emphasize the importance of cooperation between the public sector and the business sector in addressing the exploitation of children. The United Nations Global Compact and the Guiding Principles on Business and Human Rights (A/HRC/17/31, annex) provide guidance on the obligations of States to promote and support businesses and the corresponding corporate responsibility to respect human rights.

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[49] United States Department of Labor, "Frequently asked questions: Executive Order 13126 of 1999" (30 September 2013) available from https://www.dol.gov/ilab/reports/pdf/2013eo_faq.pdf.

[50] Government of the United Kingdom, Home Office, "Transparency in supply chains etc. A practical guide" (2015).

[51] Beate Andrees, "Forced labour and human trafficking: handbook for labour inspectors" (Geneva, ILO, 2008).

[52] ILO, "ILO Indicators of forced labour" (Geneva, October 2012).

[53] GoodWeave International, "Generic international standard for rug producers", version 3.0 (January 2016).

[54] See www.goodweave.org/about/child_labor_free_rugs.

88. Various sectors have attempted to develop multi-stakeholder initiatives to prevent and monitor the use of forced labour. The International Cocoa Initiative was established in 2002 through a partnership between the cocoa industry, civil society and national Governments in cocoa-producing countries. It aims to eliminate the worst forms of child labour and forced labour in the production of cocoa beans and derivative products.[55]

89. In Thailand, the canned tuna production industry has set up solid oversight mechanisms and improved labour standards. In 2005 in Brazil, the national authorities launched the National Pact for the Eradication of Slave Labour, a multi-stakeholder initiative bringing together public and private companies. The pact includes commercial restrictions on companies using slave labour, promotes decent work and aims to raise awareness among groups at risk of slave labour. The Ministry of Labour also publishes a list with the names of companies and employers who have been caught using forced labour.

6. International cooperation

90. The adoption of the Sustainable Development Goals has given a renewed impetus to international cooperation in combating the exploitation of children. The need to foster multi-stakeholders partnerships across countries to address the phenomenon has led to the development of an alliance around Goal 8.7, which aims to eliminate forced labour, modern slavery, human trafficking and all forms of child labour. Alliance 8.7 seeks to gather a range of actors, from Governments, civil society, international organizations, academia, representatives of employers and employees and the private sector, towards the realization of Goal 8.7.

91. Similarly, the Global Partnership to End Violence against Children gathers actors around the Goals related to the issue, in particular Goal 16.2 for the elimination of all forms of abuse, trafficking and exploitation of, and violence against, children.

92. Transnational cooperation in the management of cases is essential, yet limited. Research on children engaged in forced begging has highlighted the importance of transnational cooperation, as criminal groups transport children from one country to another. In Europe, for example, no joint database exists to inform various countries that a child is a trafficking victim, implying that children may be identified as victims in one country, but then treated as criminals in another, as they are moved by traffickers.[56] A study on transnational referral mechanisms in South-Eastern Europe has found that the development of common legislation and an implementing framework, and in particular standard operating procedures, have helped to improve transnational cooperation.[57]

7. Prevention

93. Article 9 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography lists an overarching

[55] See the charter of the International Cocoa Initiative, available from www.cocoainitiative.org/en/documentsmanager/english/27-ici-charter/file.

[56] Olivier Peyroux, *Fantasies and Realities*, chapter 6.

[57] International Centre for Migration Policy Development, "The way forward in establishing effective transnational referral mechanisms. A report based on experiences in cases of human trafficking in South-Eastern Europe" (Vienna, 2012).

set of measures for the prevention of the crimes covered by the treaty, including the sale of children for the purpose of forced labour. Prevention measures must address the factors that make children vulnerable to being sold for the purpose of forced labour. Hence, any initiatives in that regard should include measures to ensure social protection and safe migration.

94. Social policy measures that ensure a minimum standard of living and protect families in case of shocks have been found to be particularly effective in preventing labour exploitation and trafficking. An ILO report which focused on social protection as an instrument to eliminate child labour, found that cash transfers were more effective among children from poorer backgrounds and when coupled with other interventions, such as the provision of health and education services.[58] Similarly, health insurance and pension and unemployment benefits can help families cope with a shock which renders a family member unable to work and avoid them resorting to child labour to compensate for loss of income or to pay for treatment. Interventions aimed at supporting parents, such as a public employment programme, may also have a positive effect as long as they do not result in children simply taking the place of their parents in their former jobs.[59]

95. Many children end up being sold for the purpose of forced labour by traffickers and recruiters they or their parents had trusted in their search for better living conditions. As many children migrate on their own or in the hands of intermediaries or organized groups, it is important to recognize their agency in deciding what is best for themselves, while at the same time providing the conditions for safe migration.

96. An ILO study on international migration and child labour has underlined the importance of promoting safe behaviours in relation to migration, by supporting adolescents in adequately informing themselves and properly preparing for the journey, preferably by securing a job contract before leaving.[60] However, in some instances, the contract is part of the migration arrangement itself, paving the way for exploitative conditions.[61] Studies have also stressed the importance for countries of avoiding legislative frameworks in which a legal stay is conditioned to one employer, as it paves the way for dependency on that employer.[62]

IV. Conclusions and recommendations

97. **The sale of children for the purpose of forced labour is a multifaceted phenomenon with diverse root causes, risk factors, manifestations and effects. Families may use the sale of children for the purpose of forced labour as a**

[58] ILO, "World report on child labour. Economic vulnerability, social protection and the fight against child labour" (Geneva, 2013).

[59] Ibid.

[60] Hans van de Glind and Ann Kou, "Migrant children in child labour: a vulnerable group in need of attention" *in Children on the Move* (Geneva, International Organization for Migration, 2013).

[61] International Organization for Migration, "Egyptian unaccompanied migrant children: a case study on irregular migration" (Cairo, 2016); UNICEF and Trajectoires, "Ni sains, ni saufs. Enquête sur les enfants non accompagnés dans le nord de la France" (June 2016).

[62] European Commission, "Employment & Recruitment Agencies Sector Guide on Implementing the UN Guiding Principles on Business and Human Rights" (Brussels, 2012); ILO, "Hard to see harder to count. Survey guidelines to estimate forced labour of adults and children" (2012).

coping strategy for survival. Children, whether sold or entrusted to a third party, may fall into the hands of traffickers, who will in turn sell them for forced labour. They may also end up under the control of criminal organized groups. Demand for products with competitive prices is also a pull factor for the sale of children for forced labour and labour exploitation. In conflict situations, lawlessness and social, economic and institutional breakdown, as well as deliberate conflict strategies, may lead children to be abducted and sold for the purpose of forced labour.

98. The present study has shown that when harmful practices are socially accepted, protective factors are low and pull factors strong, a child can be sold and exploited in forced labour conditions. Addressing the issue therefore requires comprehensive approaches that take into account the demand factor as well as the specific vulnerabilities of children being sold for the purpose of forced labour, while recognizing children as rights holders, entitled to protection but also to recognition of their agency in function of their evolving capacities.

99. The Special Rapporteur invites all States to:

(a) Adopt and implement clear and comprehensive legislation which criminalizes the sale of children for the purpose of forced labour and the conditions leading to it, such as debt bondage;

(b) Ensure that the burden of proof allows for investigations, that prosecutions can be initiated ex officio and that sanctions rendered by courts are proportionate to the grave nature of the crime in order to deter it;

(c) Guarantee that effective remedies are available and accessible for children, through child-sensitive complaint and reporting mechanisms and child-sensitive justice proceedings, and by ensuring the reduction of barriers that could deny access to remedies. Commensurate compensation should also be part of the remedies;

(d) Ensure that the rights of child victims are fully respected, including when they are forced to engage in illegal activities. They should not be criminalized and have the right to receive comprehensive care, recovery and reintegration services;

(e) Carry out primary research and collect qualitative and quantitative data to better understand the situation of children sold for the purpose of forced labour and the factors of vulnerability, in order to develop adequate interventions;

(f) To ensure the full liability of companies and their supply chains, including legal persons, whose activities contribute to the sale of children for the purpose of forced labour;

(g) Regulate the role of intermediaries, ensuring that they do not charge fees for job placements and hold them accountable for situations leading to the forced labour of children. Regulation and monitoring mechanisms should also take into account the often informal nature of intermediaries;

(h) Strengthen governance structures which ensure an adequate labour inspection system and limit corruption, implement adequate sanctions for

non-compliance and strengthen the role of independent human rights institutions in monitoring labour conditions;

(i) Support the private sector in establishing mechanisms for monitoring and ensuring the accountability of subcontractors at all levels of the supply chain;

(j) Establish and open more regular migration channels and ensure the protection of all human rights in employment. Residence permits should not be linked to an employer, thus enabling migrant workers to change employment in case of abuse;

(k) Adopt measures which prevent the phenomenon, in particular by strengthening the resilience of families when faced with shocks, through social protection and health coverage, the promotion of literacy and access to education, and by raising awareness of and facilitating non-exploitative income-generating opportunities;

(l) Address the root causes of the demand for the forced labour of children through comprehensive awareness-raising and the education of society at large on the rights of the child, non-discrimination and gender equality;

(m) Ensure that policies aimed at protecting children and reducing their vulnerability also respect their right to make decisions about their own lives, in accordance with their evolving capacities;

(n) Ensure that children who have been sold for the purpose of forced labour have the ability to be heard and contribute to developing strategies to address the phenomenon in a way that ensures that their rights and needs are taken into account.

100. The Special Rapporteur invites the international community to:

(a) Develop and further transnational cooperation between law enforcement services to ensure the tracking of child victims of sale and trafficking for forced labour;

(b) Promote multi-stakeholder initiatives fully involving the private sector, including at the level of each economic sector, to promote good practices and internal oversight;

(c) Encourage consumers to play a more active role in scrutinizing the origin of products and promoting ethical sourcing and other fair trade initiatives;

(d) Actively participate in and support Alliance 8.7 and the Global Partnership to End Violence against Children, both of which aim to achieve the Sustainable Development Goals to ensure that children grow up free from violence and exploitation.

101. The Special Rapporteur invites the private sector to:

(a) Adopt human rights policy commitments and conduct continuous human rights due diligence in line with the framework established in the Guiding Principles on Business and Human Rights, which also apply to supply chains;

(b) Effectively implement those commitments beyond auditing, through third-party independent monitoring, proactive investigations, random unannounced assessments and strategies linked to the prevention of the sale of children;

(c) Take steps to facilitate access to justice and effective remedies, in particular in countries where governance systems are fragile, and take full corporate social responsibility, including through adequate compensation.